

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR- 07-000007-001

October 9, 2007
9:35 a.m.

UNITED STATES OF AMERICA -v- NORBERT BENAVENTE CAMACHO

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
LYNN LEMIEUX, Courtroom Deputy
CRAIG MOORE, Assistant U. S. Attorney
ROBERT TORRES, Counsel for Defendant
NORBERT BENAVENTE CAMACHO, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney Robert Torres. Government by Craig Moore, AUSA. Also present was U.S. Probation Officer, Melinda Brunson.

No objection by the government of the presentence report. Counsel for defendant had objections and so argued. Government responded to the Defense's objections and agreed with the Defense's objections.

Court so noted the objections.

Court adopted the presentence investigation report, and the addendum, and instructed the Clerk to file the report, under seal, and that the report, and the addendum, be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Court found the advisory guideline and total offense level to be at Level 12, category I.

Government moved for a sentence of 5 months imprisonment and 5 months house arrest with conditions and supervised release. Defense moved for a sentence of 10 months (split sentence of 5 mo. imprisonment and 5 mo. home confinement); and a sentence that would afford the defendant proper treatment and drug rehabilitation.

Defendant made his allocution.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **NORBERT BENAVENTE CAMACHO** is hereby sentenced

to **10 months** imprisonment as to Count I and 10 months imprisonment as to Count II, both sentences to run concurrent with credit for time served. **It is further ordered that the defendant shall serve a split sentence; 5 months imprisonment and 5 months home confinement.** During his term of imprisonment, the defendant shall participate in a drug treatment program as approved by the Bureau of Prisons. In addition, he shall participate in vocational or educational programs. Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of three years which will include the following conditions:

1. The defendant shall not commit another federal, state, or a local crime;
2. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter. Further, the defendant shall submit to a maximum of eight drug tests per month, as directed by the probation officer;
3. The defendant shall submit to a collection of a DNA sample at the direction of the U.S. Probation Office;
4. The defendant shall comply with the conditions of supervision as adopted by this Court;
5. The defendant shall be prohibited from possessing a firearm or other dangerous weapon as defined by federal, state, or local law, or have such weapon where he resides;
6. The defendant shall refrain from the use of all alcoholic beverages;
7. That the defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;
8. The defendant shall participate in an anger management treatment program. . The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;
9. The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of the U.S. Probation Office unless he is in compliance with the payment schedule; and
10. The defendant shall provide the U.S. Probation Office access to any requested financial information.

Court ordered that the defendant shall pay a \$3,000 fine which is due immediately after sentencing.

Further, the defendant was ordered to pay a special assessment fee of \$200.00.

No objection to the sentence by the attorneys. Defendant was advised that he had previously waived his right to appeal the sentence in this case but that if he or his attorney find any other reason in which to appeal that he had ten days in which to do so. Further, the defendant was advised of his right to an attorney for appeal and that the Court will appoint an attorney if he could not afford one.

Government moved to dismiss CR-07-00005-002. Court so ordered.

Adj. 10:25 a.m.

/s/ Lynn Lemieux, Courtroom Deputy